

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2154 OF 2022**

Shubham Umesh Abnave

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Debajyoti Talukdar for the Applicant.

Ms Veera Shinde, APP for the State.

Mr. Kaviraj Patil, PSI, Hadapsar Police Station, Present.

.....

CORAM : N.R. BORKAR, J.

DATED : 18 JANUARY 2023

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 72 of 2021 registered at Hadapsar police station for the offences punishable under Sections 395, 392, 120-B of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act and Section 37(1)(3) of Maharashtra Police Act and Sections 4 r/w 25 of Indian Arms Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on 23 January 2021, the present applicant alongwith the other co-accused assaulted the complainant and robbed him of gold chain and gold bracelet, which were on his person.

5. It appears from the First Information Report that assailants/robbers were not known to the complainant. Thus after arrest of the present applicant test identification parade was conducted. However, in test identification parade the complainant has not identified the present applicant. There are no other criminal antecedents. The applicant is in jail for about two years. Considering these facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 72 of 2021 registered at Hadapsar police station for the offences punishable under Sections 395, 392, 120-B of Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organised Crime Act and Section 37(1)(3) of Maharashtra Police Act and Sections 4 r/w 25 of Indian Arms Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month that is on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)

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signed by
MANGALTAI
JAYWANT
JADHAV
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